



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL,  
ATTORNEY GENERAL**

**June 2, 1976**

The Honorable John C. Ross, Jr.  
City Attorney  
Room 203, City-County Building  
El Paso, Texas 79901

Open Records Decision No. 129

Re: Portions of report of  
El Paso Special Commission  
on Crime which discuss  
identifiable individuals.

Dear Mr. Ross:

Pursuant to section 7 of article 6252-17a, V.T.C.S., the Open Records Act, you request our decision as to whether a report of the El Paso Special Commission on Crime is excepted from required public disclosure by section 3(a)(2) of the Act as information in personnel files, or section 3(a)(8), as a record of a law enforcement agency, or section 3(a)(11), as an inter-agency memorandum, or all of these exceptions.

The El Paso Special Commission on Crime was established by proclamation of the Mayor of the City of El Paso on July 1, 1975, by which proclamation the mayor summoned into service five citizens "to constitute a special police force to investigate increased criminal activity in the City of El Paso." Another citizen was added to the special police force by proclamation on September 4, 1975. The summoning of a special police force is authorized by section 14 of the Charter of the City of El Paso:

Sec. 14. Special police, summoning  
citizens.

Whenever the Mayor shall deem it necessary to enforce the laws of the city . . . or when he has reason to fear any serious violation of law or order, or any outbreak, or any other danger to the city or the inhabitants thereof, he shall summon into his service as a special police force all or as many of the citizens as in his judgment

and discretion may be necessary and proper . . . such police force while in service shall be subject to the orders of the Mayor, shall perform such duties as he shall require, and shall have the same power while on duty as the regular police force of the city . . . .

Each member of the Special Commission on Crime was administered the oath of office for the position to which he or she had been summoned.

The Special Commission on Crime prepared two reports of its investigation of criminal activity in El Paso. One general report was published. A second report, which dealt with identifiable employees of the city, was prepared and delivered to the Mayor on January 29, 1976. This report was marked "Confidential," was not made public, and is the subject of this request for our decision.

The report at issue contains advice and recommendations on policy matters within the duties of the Commission and includes evaluation of identifiable personnel, and also reports on investigation of allegations of possible crime.

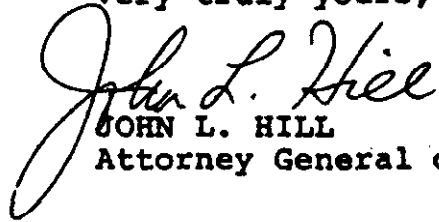
To the extent that the report consists of advice and recommendations and evaluation of identifiable employees, it is excepted from required public disclosure by sections 3(a)(11) and 3(a)(2) of the Act. Attorney General Opinion H-436 (1974); Open Records Decision Nos. 128 (1976); 117, 115, 110, 106, 103, 93, 90, 86, 82, 81, 71, 68 (1975); 55, 20 (1974).

To the extent that the report consists of a report and investigation of crime, it is excepted from required public disclosure by section 3(a)(8) of the Act. Open Records Decision Nos. 79, 71 (1975), and 22A (1974) (evaluation report of capabilities and deficiencies of law enforcement agency in enforcing law).

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It is our decision that the requested information is excepted from required public disclosure by sections 3(a)(2), 3(a)(8), and 3(a)(11) of the Open Records Act. No portion of the report falls outside one or more of these exceptions.

Very truly yours,



JOHN L. HILL

Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman  
Opinion Committee

jwb